

LYNNETTE COLE,

Plaintiff,

v.

CHARLOTTE MECKLENBURG SCHOOL
DISTRICT,

Defendant.

The “Report Of The Parties’ Joint Selection Of A Mediator” (Document No. 21) was filed on September 13, 2013, stating that the parties “have selected and agreed upon” Mr. Gary S. Hemric as their mediator in this matter. Plaintiff’s “Opposition To Defendant’s Motion To

Extend Discovery And Motions Deadlines” (Document No. 31) on October 16, 2013, indicates in pertinent part that the parties have scheduled a mediated settlement conference for October 29, 2013.¹ The undersigned notes that Defendant has not yet filed a response to the pending “Motion To Waive Mediation Fees” and that no response is due until October 28, 2013; however, based on the parties’ scheduled mediation with Mr. Hemric on October 29, 2013, and in the interest of efficient case management, the undersigned finds that an immediate ruling on the pending motion is required.

Plaintiff’s “Motion To Waive Mediation Fees” appears to rely on North Carolina Rule of Civil Procedure 101.b(c). (Document No. 27, p.1). Plaintiff does not cite any federal rule or other binding legal authority, and the undersigned is aware of none, suggesting that such relief is available before this Court. Moreover, to the extent the parties have chosen mediation as their ADR procedure and have selected Mr. Hemric as their mediator, the undersigned finds that the issue of Mr. Hemric’s fees is a matter best determined by Mr. Hemric and the parties.

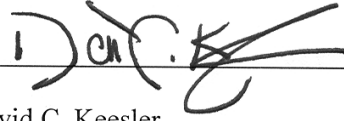
IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion To Waive Mediation Fees” (Document No. 27) is **DENIED**.

The Clerk of Court is directed to send a copy of this Order to *pro se* Plaintiff by registered U.S. Mail, return receipt requested; and a copy to Mr. Gary S. Hemric, at James, McElroy & Diehl, P.A., 600 South College Street, Charlotte, NC 28202 by standard U.S. Mail.

SO ORDERED.

¹ Plaintiff also states that “the deadline for Defendant to respond to *Plaintiff’s Motion for Summary Judgment* is Dec. 2, 2013.” (Document No. 31, p.2). However, since “Plaintiff’s Motion For Summary Judgment...” (Document No. 15) was denied without prejudice, there is no deadline for Defendant to respond to that motion. (Document No. 17, p.2). Rather, the Court has directed that Plaintiff may re-file a motion for summary judgment “at a later date, following the completion of discovery and mediation.” Id.

Signed: October 17, 2013



David C. Keesler
United States Magistrate Judge

